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TECH CENTER 1600/2900 PATENT  
0760-0262P



IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yukoh HIEI et al. Conf.: #6 4/10/01 T.Gray  
Appl. No.: 09/229,324 Group: 1638  
Filed: January 13, 1999 Examiner: G. Benzion  
For: METHOD FOR TRANSFORMING MONOCOTYLEDONS

LARGE ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents  
Washington, DC 20231

April 4, 2001

Sir:

Transmitted herewith is an amendment in the above-identified application.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

☐ The enclosed document is being transmitted via facsimile.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	42	-	42	=	0	\$18	\$0.00
INDEPENDENT	2	-	3	=	0	\$80	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$270	\$0.00
						TOTAL	\$0.00

04/05/2001 HDEMESS1 00000065 09229324

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890.00 OP

- ☒ Petition for three (3) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$890.00 for the extension of time.
- ☐ No fee is required.
- ☒ A check in the amount of \$890.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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ATTACHMENT

(Rev. 01/22/01)



Docket No. 0760-0262P

#8 4/10/01 T.Gray  
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APPLICANT: Yukoh HIEI et al.

SERIAL NO.: 09/229,324

GROUP NO.:

**TECH CENTER 1600/2900  
1638**

FILED: January 13, 1999

EXAMINER: G. Benzion

FOR: METHOD FOR TRANSFORMING MONOCOTYLEDONS

**RESPONSE**

Assistant Commission for Patents  
Washington, D.C. 20231

April 4, 2001

Sir:

In response to the Office Action dated October 4, 2001, the period for response having been extended for three (3) months until April 4, 2001, the following remarks are respectfully submitted in connection with the above-identified application.

**REMARKS**

**Obviousness-type double patenting**

Claims 1-16 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-14 of co-pending application Serial No. 08/428,238. The Examiner asserts that the present invention, as encompassed by claims 1-16, which recite treatment with dedifferentiation medium for 1-6 days, is the equivalent of the invention of claims 1-14 of the '238 application, which recite that the explants have not been subject to dedifferentiation. The basis for the rejection is the assertion by the Examiner that 1-6 days of dedifferentiation medium will not result in